

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MEL TYRONE EDWARD,

Plaintiff,

No. CIV S-03-2584 LKK KJM P

vs.

S. SCARSELLA, et al.,

Defendants.

DISCOVERY ORDER

Defendant Stephen Scarsella has answered the complaint. As provided by Federal Rules of Civil Procedure 1, 16, and 26-36, discovery shall proceed as follows:

1. Discovery requests shall be served by the party seeking the discovery on all parties to the action.<sup>1</sup> Discovery requests shall not be filed with the court except when required by Local Rules 30-250(a), 33-250(c), 34-250(c) and 36-250(c);

2. Responses to written discovery requests shall be due forty-five days after the request is served;

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<sup>1</sup> If an attorney has filed a document with the court on behalf of any defendant, then plaintiff must serve documents on that attorney and not on the defendant. See Fed. R. Civ. P. 5(b).

1           3. The parties are cautioned that filing of discovery requests or responses, except  
2 as required by rule of court, may result in an order of sanctions, including, but not limited to, a  
3 recommendation that the action be dismissed or the answer stricken;

4           4. Pursuant to Federal Rule of Civil Procedure 30(a), defendants may depose  
5 plaintiff and any other witness confined in a prison upon condition that, at least fourteen days  
6 before such a deposition, defendants serve all parties with the notice required by Fed. R. Civ. P.  
7 30(b)(1); and

8           5. If disputes arise about the parties' obligations to respond to requests for  
9 discovery, the parties shall comply with all pertinent rules including Rules 5, 7, 11, 26, and 37 of  
10 the Federal Rules of Civil Procedure and Rules 5-134, 5-135, 6-136, 7-130, 7-131, 7-132, 11-  
11 110, 43-140, and 78-230(m) of the Local Rules of Practice for the United States District Court,  
12 Eastern District of California; unless otherwise ordered, Local Rule 37-251 shall not apply.  
13 Filing of a discovery motion that does not comply with all applicable rules may result in  
14 imposition of sanctions, including but not limited to denial of the motion.

15 DATED: May 19, 2005.

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18 UNITED STATES MAGISTRATE JUDGE  
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